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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,448	05/31/2001	Jesus Matey	01288	9852
24118	7590	03/08/2006	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			JONES III, CLYDE H	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/871,448	MATEY, JESUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clyde H. Jones III	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/30/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10, 12, and 13 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments on pages 8-12 of the 10/25/2005 and page 1 of the 11/30/2005 amendments, the newly added limitations are met by the Jerding and Allport references as described below.

### ***Claim Objections***

2. Claim 13 is objected to because of the following informalities: In claim 13, lines 1-2, "said plurality of keys" should be changed to --a plurality of keys--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jerding et al. (US 6,817,028 B1).

Regarding claim 1, Jerding discloses a television system (fig. 2), the system comprising:

at least one display screen (television 21);

a broadcast data receiver (STB 16) receiving video, audio and/or auxiliary data (data information) from a broadcaster (headend 11 – fig. 1) at a remote location (col. 3, lines 40-65; col. 1, lines 24-39),

an electronic program guide (IPG) being generated by the data from the broadcaster for display on the display screen (col. 5, lines 48-61; col. 7, lines 32-38) and including a series of selectable screen displays (fig. 5-9) wherein format of the screen displays of the electronic program guide can be generated in one of a number of selectable formats (selectable reduced screen 73 viewing formats, selectable date/time formats, etc.; fig. 4; col. 6, lines 25-32; col. 8, lines 44-50; col. 9, lines 19-20; col. 9, lines 62-64; col. 9, line 66-col. 10, lines 2; col. 11, lines 46-50) at least one selectable format having a plurality of operational keys (“A”, “B”, and “C” 75 – figs. 5-9; the selectable formats of the EPG have indicators/keys, i.e., “A”, “B”, and “C”, to remote control functions) having different shapes (triangle, square, and circle) (col. 9, lines 62-64); and

control means (remote control 27 – fig. 10, fig. 2) for allowing interaction with the television system, the control means having a plurality of operational keys being provided in specific shapes corresponding to the plurality of operational keys having different shapes for the selectable formats of the electronic program guide (operational buttons “A”, “B”, and “C” on the remote

Art Unit: 2611

control 27) each shape allocated to a pre-defined operation (e.g., browse, date, and focus change, respectively) of the selectable formats of the screen displays of the program guide such that the pre-defined operations are initiated via the electronic program guide by a user selecting the appropriate one or more so specified shape keys on the control means (col. 9, lines 62-col. 10, lines 7; col. 8, lines 59-67; col. 6, lines 25-28; col. 5, lines 11-27).

Regarding claim 2, Jerding teaches, the pre-determines formats are selectable from the EPG display screen (col. 3, lines 52-65; col. 5, lines 52-53; col. 6, lines 25-28 & lines 42-45; col. 8, lines 59-67; col. 9, line 65-col. 10, line 7; col. 11, lines 46-50).

Regarding claim 3, Jerding teaches the control means is a remote control handset (27-fig. 10).

Regarding claim 4, Jerding teaches the selectable formats (configurations) are stored in memory (41, 43 – fig. 2) of the broadcast data receiver (col. 5, lines 56-col. 6, line 26; col. 7, lines 46-48).

Regarding claim 5, Jerding teaches the number of selectable formats (configurations) are sent from the broadcaster to the broadcast data receiver at pre-determined time intervals (col. 6, lines 7-22).

Regarding claim 6, Jerding teaches when one of the number of selectable formats is selected by the user, the format is maintained for the EPG display until the user selects a different selectable format (the EPG display format is responsive to and stores user selections; col. 6, lines 23-45; col. 8, line 44-67; col. 9, line 65-col. 10, line 12).

Regarding claim 7, Jerding teaches when one of the number of selectable formats is selected by the user, the EPG reverts to a default (initial guide arrangement) format when the television system is switched off and then on (col. 5, lines 56-65; col. 6, lines 12-16; col. 7, lines 41-45; col. 9, lines 1-3 & 44-46).

Regarding claim 8, Jerding teaches a user selected format is stored in the television system as a default format, the EPG reverting to the saved default (initial guide arrangement) format when the television system is switched off and then on (the EPG display format is responsive to stored user selections/settings in the future; col. 9, line 65-col. 10, line 7; col. 4, lines 53-57; col. 5, lines 63-col. 6, lines 4; col. 6, lines 25-32; col. 6, lines 42-45; col. 7, lines 41-45; col. 9, lines 1-3 & 44-46; col. 6, lines 23-45; col. 8, line 44-67).

Regarding claim 9, Jerding teaches a preview setting is provided on the EPG to enable a user to view a format prior to selection of the format (col. 9, lines 44-50; col. 6, lines 4-6; in which a pre-loaded configuration is displayed/pre-viewed by the user before the user selects a format).

Regarding claim 10, Jerding teaches the number of selectable EPG formats is selected from the group of one of displaying the EPG in different sizes (Examiner interprets different sizes to mean different amounts of information are displayed in the EPG, e.g., different dates, categories, themes, etc., which display different amounts of information; col. 9, line 65-col. 10, line 4) and arrangements (col. 11, lines 46-50).

Regarding claim 13, Jerding teaches a specific shape of a plurality of operational keys is selected from the group consisting of square shaped ("B"/square shaped keys on EPG screen/remote control 27 buttons – figs. 5-10), triangular shaped ("A"/triangular shaped key on EPG screen/remote control 27 buttons – figs. 5-10), circular shaped ( "C"/shaped key on EPG screen/remote control 27 buttons – figs. 5-10), diamond shaped ("B" shaped key on EPG screen/remote control 27 buttons – figs. 5-10; Examiner interprets the shaped key "B" to read on "diamond shaped", e.g., a baseball diamond is a square) and other geometrical shapes ("B" shaped key on EPG screen/remote control 27 buttons – figs. 5-10; "B" shaped key reads other geometrical shapes, e.g., rectangles).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding et al. (US 6,817,028 B1) in view of Allport (6,757,001 B2).

Regarding claim 12, Jerding teaches operational keys on the television system are provided in specific shapes corresponding to specific shaped keys in the selectable electronic program guide formats, each allocated to a pre-defined operation on the displayed format, such that one or more of the pre-defined operations are initiated via the electronic program guide by selecting the appropriate one or more specified shaped keys on the television system (remote control 27) as discussed above.

However Jerding fails to disclose colored keys or buttons.

In an analogous art Allport teaches using colored buttons so specific combinations of shapes, and colors, etc. can be used to perform desired functions (col. 7, lines 4-17).

It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Jerding to include colored keys buttons as taught by Allport for the advantage of increasing the functionality of unique/single function buttons on the remote control (Allport - col. 7, lines 8-17).



Art Unit: 2611

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

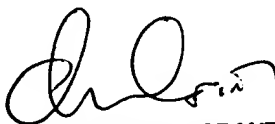
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ



**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**